

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Aug 22, 2024

SEAN F. McAVOY, CLERK

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Adrian D. Harry

Case Number: 0980 2:17CR00203-TOR-1

Address of Offender: Homeless

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 15, 2019

Original Offense: Sexual Abuse of a Minor, 18 U.S.C. §§ 1153, 2243 (a)

Original Sentence: Prison - 24 months;
TSR - 240 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison- 2 months;
(October 5, 2022) TSR- 240 monthsRevocation Sentence: Prison - 5 months
(August 23, 2023) TSR- 240 monthsRevocation Sentence: Prison- 6 months
(March 13, 2024) TSR- 240 months

Asst. U.S. Attorney: David Herzog

Date Supervision Commenced: August 13, 2024

Defense Attorney: Federal Defenders Office

Date Supervision Expires: August 12, 2044

PETITIONING THE COURT

To issue a warrant.

On August 13, 2024, a U.S. probation officer reviewed Mr. Harry's conditions of supervised release with him. He signed his judgment acknowledging his understanding of his conditions of supervision.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Standard Condition # 8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
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Supporting Evidence: It is alleged that Mr. Harry is in violation of his supervised release conditions by knowingly communicating or interacting with a party known to him to be on federal supervision and to be a convicted felon on August 17, 2024. (See violation #2)

Prob12C

Re: Harry, Adrian D
August 22, 2024
Page 2

2

Standard Condition # 9: If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

Supporting Evidence: It is alleged that Mr. Harry failed to notify the U.S. Probation Office as required following his contact with law enforcement on August 17, 2024.

Specifically on August 17, 2024, at approximately 21:11, a police officer in Airway Heights, Washington, responded to the Spokane Transit bus stop at the intersection of W. Highway 2 and S. Hayford Road in Airway Heights for the report of an assault.

The STA bus driver advised the officer that three passengers boarded his bus at the Spokane Tribe Casino (14300 W. Highway 2) in Airway Heights about 10 minutes prior to the officers arrival. The STA bus driver advised that all three passengers (2 males and 1 female) appeared to be intoxicated. The STA bus driver advised that one of the males asked if he could let them off at the intersection and the bus driver told them no. At that time, the three passengers started yelling at the bus driver and another passenger tried to intervene and was assaulted by one of the three passengers who appeared to be intoxicated.

The police officer searched the area, along with several officers, but were unable to locate the subjects. As the police officers were preparing to clear the scene, at approximately 21:49, the officers were notified of an active fight (between two males and a one female) at Wal-Mart (1221 S. Hayford in Airway Heights) which is less than 1/2 mile from the bus stop where the assault occurred.

Police officers responded to Wal-Mart and spoke with a loss prevention employee who advised all subjects had fled the scene. Based on the description of the three subjects, it appeared they were the same three subjects from the bus assault. Those subjects were later identified as Jared Flett (who is also on federal supervision) and Adrian Harry. The officer located Mr. Harry in the Wal-Mart store. He had some cuts on his face and a bloody lip. He smelled strongly of alcohol and had noticeably slurred speech. He refused to say what happened and was advised by a Wal-Mart loss prevention employee that he was forever trespassed from all Wal-Mart properties and would be charged with a crime if he returned to any of their stores.

The loss prevention employee was able to locate video footage at Wal-Mart, which showed Mr. Harry being victimized and assaulted by Jared Flett.

3

Special Condition # 4: You must live at an approved residence, and must not change your living situation without advance approval of the supervising officer.

Supporting Evidence: It is alleged that Mr. Harry is in violation of his supervised release conditions by not staying at his approved residence from August 13- 21, 2024.

On August 13, 2024, Mr. Harry reported to the U.S. Probation Office. At his intake, Mr. Harry advised that he was unable to go to the RRC, per his special condition # 2, due to there being another subject residing at the RRC that Mr. Harry assaulted while he was in custody. Due to safety concerns the RRC is unable to house Mr. Harry at this time. Mr. Harry was instructed to report to the Union Mission Gospel (UGM).

Prob12C

Re: Harry, Adrian D**August 22, 2024****Page 3**

On August 14, 2024, Mr. Harry reported to the U.S. Probation Office. He advised that he was unable to reside at the UGM due to being prescribed suboxone. He was instructed to go to House of Charity (HOC).

On August 19, 2024, Mr. Harry had contact with a U.S. probation officer via text messages and when asked if he is staying at the HOC, Mr. Harry responded "yes".

On August 21, 2024, the undersigned officer contacted the UGM to verify if an individual would be turned away if they have a valid prescription for suboxone. The staff member stated that as long as the individual has a valid prescription for suboxone they would be admitted. It was also verified that Mr. Harry had not been there since February 13, 2024, and there is no documentation that he was turned away on August 13, 2024. On that same date, the undersigned contacted the HOC to confirm if he had been residing at their shelter. The staff member at HOC verified that Mr. Harry had not been staying there.

On August 21, 2024, Mr. Harry reported to the U.S. Probation Office. He was questioned about where he had been staying. He admitted to not staying at the homeless shelter as instructed and that he had been staying on the streets and stayed up for four nights straight. Again, he was instructed to report to the UGM and must reside there until he is approved to reside somewhere else.

On August 22, 2024, the undersigned contacted both UGM and HOC and spoke with staff who both verified that Mr. Harry did not stay there on August 21, 2024. At this time, Mr. Harry refuses to provide an address of where he is staying and follow simple instruction from the probation officer.

4

Special Condition # 13: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: It is alleged that Mr. Harry is in violation of his supervised release conditions by consuming alcohol on or about August 19 and August 20, 2024.

On August 21, 2024, Mr. Harry reported to the U.S. Probation Office. He was questioned about the recent incident on August 17, 2024. Initially, Mr. Harry denied any alcohol use and denied any law enforcement contact. Only when the U.S. probation officer advised there was a police report, he admitted to drinking on August 19, 2024, and last drank alcohol on August 20, 2024. He refused to sign an admission form. During this office appointment, Mr. Harry became angry and started to get loud when speaking and stated "you never help me and only see me in jail."

Prob12C

Re: Harry, Adrian D**August 22, 2024****Page 4**

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/22/2024

s/Courtney Hambel

Courtney Hambel
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

August 22, 2024

Date